

Application No. 10/581,095
Amendment dated November 13, 2007
Reply to Office Action of August 16, 2007

Docket No.: 3953-001USPCT

REMARKS

The Applicant thanks the Examiner for his attention to this application.

In the first Official Action dated May 7, 2007, the Examiner objected to claims 8 and 11 under the authority of 35 U.S.C. 103(a) as being unpatentable over the Lewis reference (United States Patent No. 6,165,030), and indicated that the subject matter of claims 9 to 11, 13 and 14 would be allowable if these claims are written in an independent form to include the limitations of the base claims. In the response dated August 2, 2007, the Applicant has amended the claims in accordance with the Examiner's suggestion and incorporated the subject matter of claim 9 into main claim 8, in order to avoid the Lewis reference. However, the Examiner re-objected to the amended claims under the same reference.

After reviewing the subject matter of the Lewis reference in detail to address the further objections raised by the Examiner, the Applicant respectfully submits that the subject matter of main claim 8 clearly distinguishes over the Lewis reference, and that many important features have been dismissed by the Examiner.

The Examiner states that the Lewis reference is also adapted to be releasably mounted on the gunwales. The Applicant has amended this portion of claim 8 to read "a substantially quadrilateral frame adapted to be simply across the gunwales of the canoe without needing clamps, bolts or other devices to secure it in place". This feature is supported by the last line of page 2 to line 2 of page 3 of the amended specification submitted in the previous response , and also by page 5 lines 9 to 11.

This feature is not possible with the device of Lewis which is clearly described to be secured to the canoe: "This is accomplished by loosening each knob 110,112 to permit the sliding motion needed for adjustment of the mounting assembly 100 to fit on a particular canoe 80 and the knobs 110,112 are later tightened to retain the clamps 106,108 in place. The vice portions 114,116 are placed over the gunwales 82,84 and are tightened to securely hold the mounting assembly 100 in place." (Col 5, lines 54 to 61 of the Lewis reference).

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Furthermore, it is also described that in the device of Lewis, "The stand 30 may be adjusted so that the base 32 rests on the floor 86 of the canoe 80. This is done by loosening a second wing nut fastener 39 on the first post 34 to allow the second post 36 to move until the base 32 contacts the floor 86 of the canoe 80. A first wing nut fastener 38 on the second post 36 is removably attached to the base 32 for further adjustment and to facilitate transporting of the pedal driven propulsion device 10, as needed." (Col 7, lines 53 to 60 of the Lewis reference).

Accordingly, the feature of installing the device in the canoe without bolts, clamps or other securing devices is not described or suggested in the Lewis reference, which clearly uses securing means to install the propulsion device in the canoe as noted above.

It is also respectfully submitted that the pedal crank means of Lewis are not depending from the quadrilateral frame as claimed in claim 8, the crank means of Lewis are secured to the floor 86 of the canoe 80 by means of a base 32, as best shown in Fig.5 of the Lewis reference. It is obvious that there has to be some sort of connection between the pedal crank means and the frame in order to transfer the motive power, but the pedal crank means are mainly secured to and attached to the floor 86 of the canoe, not to the quadrilateral frame.

Additionally, the pulley means of claim 8 are defined as lying to one side of the operator seat means when in operative position. The pulley means of Lewis are clearly located in middle of the canoe as described above (32, 38, 36), therefore, these are located in front of the operator seat means not on one side thereof. Moreover, the pulley means of Lewis are not pivotally mounted to the frame when in operative position as defined in claim 8. When in operative position, the pulley means of Lewis are clearly shown to be secured to the floor 86. In contrast, the pulley means (81, 82, 83) of the present invention are located on one side of the operator seat means to pivot between an operative position in which the propeller means is lowered in the water, and an inoperative position in which the propeller means is raised from the water.

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Moreover, the Examiner seems to consider both the pulley means and the pedal crank means of claim 8 to be equivalent to the pedal crank assembly (12, 16, 18) of Lewis. The Examiner clearly points that the chain 14 of Lewis is equivalent to the flexible cable-drive means. The Applicant respectfully disagrees with the Examiner's determination. Only the pedal means provide the same function in both devices. The sprocket-chain assembly of Lewis is not believed to be equivalent to or replace the cable drive means of the present invention. The chain 14 transmits motive power between two sprockets which are required to be substantially parallel and co-planar. The flexible cable-drive means used in the present invention can easily bend as shown in the figures, thus, transferring the power to different planes and positions.

In the device of Lewis, the motive power is transformed from the pedal means via the chain 14 to the drive shaft 44 which transfers the power to the propeller shaft 54 through a third and fourth bevel gears (122,124). In which scenario, the sprocket 18 attached to the drive shaft 44 has to be substantially parallel to and co-planar with the sprocket 16 of the pedal. Thus, the drive shaft 44 is required to be substantially perpendicular to the chain-sprocket assembly (14, 16, 18), and the propeller shaft 54 is required to be substantially perpendicular to the drive shaft 44.

In the present invention, the motive power is transformed from the pedal means via the cable drive means, to a pulley system which then transfers the motive power received via the flexible cable-drive to the longitudinal drive means 38 (Figures 13, 14 and 15). Thus, providing a more compact device, which avoids the restrictions set by the use of the conventional means.

Furthermore, the Applicant has amended claim 8 further to specify that the propeller means are provided backward of the seat means, toward the end of the canoe, as clearly shown in all of the figures on file. In contrast, the device of Lewis provides the propeller means in the middle of the canoe and on one side thereof, which tends to shift the canoe to the left or the right depending on which side the propeller is provided.

Moreover, in nowhere does Lewis suggest raising the propeller means by pivoting the longitudinal drive means and the pulley means. As described above, the

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pulley means of Lewis do not pivot when in operative position. Additionally, the Applicant respectfully draws the attention of Examiner to Figs.1 and 3 which only illustrate the steering assembly 90 to be pivoted in order to pivot the propeller shaft 54 about a vertical axis to change the direction of the boat (Col 8, lines 4 to 16). However, the propeller shaft 54 is always perpendicular to the surface of the water. The Lewis reference does not provide any provisions to the contrary.

In contrast, the pulley means of the present invention are adapted to be pivoted about a horizontal transverse axis so as to raise the propeller means to an inoperable position outside the water. In the operative position, the propeller is lowered in the water in an acute angle, which is also different from the Lewis reference in which the propeller is always in the water, and always vertical to the water surface.

Accordingly, based upon the foregoing comments and explanations, the Examiner is respectfully requested to withdraw his objections against claim 8 on the basis of the Lewis reference in light of the above comparison. The teachings provided in the Lewis reference are not believed to be sufficient to reject any of the claims on file on the basis of obviousness. If any issues remain in this application, the Examiner is urged to contact Ibrahim Tamer of this Office at the telephone number listed below.

The subject matter of original claim 9 has been removed from previous claim 8, and is now introduced again in a dependent claim, which is believed to be allowable not only for depending from an allowable based claim, but also for the features defined therein, because the pulley means and the longitudinal drive shaft means of Lewis are not secure to one frame which is secured to the quadrilateral frame.

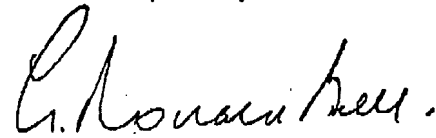
It is believed that all of the claims pending in this application are now in good condition for allowance, which action is earnestly solicited.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit to Deposit Account No. 502910 for any additional fees required under 37 C.F.R. 1.16 or 1.14; particularly, extension of time fees.

Respectfully submitted,



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